

Filed for intro on 02/01/95  
House Bill \_\_\_\_\_  
By \_\_\_\_\_

Senate Bill No.SB0229  
By Dixon

AN ACT to enact the "Tennessee Minimum Wage Law".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee Minimum Wage Law".

SECTION 2. As used in this act:

- (1) "Commissioner" means the commissioner of the Tennessee department of labor;
- (2) "Department" means the Tennessee department of labor;
- (3) "Employ" includes a permit or offer to work;
- (4) "Employee" means an individual employed by an employer;
- (5) "Employer" includes an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons, not involved in interstate commerce acting directly or indirectly in the interest of an employer in relation to an employee; and
- (6) "Wages" means legal tender of the United States or checks or drafts on banks negotiable into cash on demand or upon acceptance at full value; provided,

wages may include the reasonable cost to the employer, as determined by the commissioner, of furnishing meals and/or lodging to an employee, if such board or lodging is customarily furnished by the employer, and used by the employee. Wages shall not include tips or gratuities of any kind.

### SECTION 3.

(a) Every employer shall pay to each employee wages at a rate not less than five dollars (\$5.00) per hour.

(b) No employer shall, except as otherwise provided in this section, employ an employee for a workweek longer than forty (40) hours unless the employee receives overtime compensation for such employment in excess of the hours above specified at a rate not less than one and one-half (1 1/2) times the regular rate at which the employee is employed.

(c) Every employer shall furnish each employee at every pay period a legible printed, typewritten or handwritten notice showing the employee's:

- (1) Total hours worked.
- (2) Overtime hours.
- (3) Straight-time compensation.
- (4) Overtime compensation.
- (5) Other compensation.
- (6) Total gross compensation.
- (7) Amount and purpose of each deduction.
- (8) Total net compensation.
- (9) Date of payment.
- (10) Pay period covered.

SECTION 4. The commissioner may by rules promulgated in accordance with the Uniform Administration Procedures Act, Title 4, Chapter 5, provide for the employment in any occupation at such wages lower than the minimum wage applicable under this act:

(1) Persons whose earning capacity is impaired by physical or mental deficiency, as the commissioner may find appropriate to prevent curtailment of opportunities for employment, to avoid undue hardship and to safeguard the applicable minimum wages under this act; and

(2) Learners, apprentices, part-time employees who are full-time students attending public or private schools other than colleges, universities, business schools or technical schools, and wards paroled from Tennessee's youth correction facilities, under special certificates issued by the commissioner, at such wages lower than the applicable minimum wage and subject to such limitations as to time, number, proportion and length of service as the commissioner shall prescribe.

SECTION 5. Every employer subject to the provisions of this act shall keep a summary of this act and any applicable wage orders and regulations posted in a conspicuous and accessible place in or about the premises of the employer's place of business.

SECTION 6. The provisions of this act shall be enforced by the state department of labor under the commissioner of labor.

SECTION 7. The commissioner of labor or any authorized representative thereof shall have the authority to:

(1) Investigate and ascertain the wages of a person employed in any occupation in this state;

(2) Enter and inspect the place of business of an employer, subject to the provisions of this act for the purpose of inspecting the payroll records of such employer;

(3) Require from an employer subject to this act a full and correct statement in writing with respect to wages, hours, names and addresses of any of his employees;

(4) Administer rules and to require by subpoena the attendance of witnesses, and the production of books, records and other evidence relative to any matter under investigation; and

(5) Carry out the provisions of this act.

SECTION 8. Whoever knowingly and intentionally violates any provisions of this act is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment for not more than thirty (30) days in the discretion of the court. Whenever any person shall have been notified by the commissioner or the commissioner's authorized representative that such person is violating such provisions, each and every pay period in which such violation continues shall constitute a separate offense.

SECTION 9. Any employer who violates the minimum wage requirements of this act shall be liable to the employee or employees affected for three (3) times the amount of the unpaid minimum wages, plus interest at six percent (6%) per annum upon such amount, such interest to be awarded from the date or dates such wages were due the employee or employees. Action to recover may be maintained in any court of competent jurisdiction. The court shall, in addition to any judgment awarded to the employees, require the defendant to pay court costs and reasonable attorney's fees incurred by the employee or employees. However, action to recover must be instituted within three (3) years from the date of liability.

SECTION 10. In the administration of this act, the commissioner shall cooperate to the fullest extent consistent with this act with the administrator of the wage and hour division of the United States department of labor.

SECTION 11. Nothing in this act shall be deemed to interfere with, impede or in any way diminish the right of employees to bargain collectively through representatives of their own choosing in order to establish wages in excess of the applicable minimum under this act, or to establish hours of work shorter than the applicable maximum under this act.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect July 1, 1995, the public welfare requiring it.